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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John J. Lazzeroni

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12/13/2006

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EXAMINER

PENDLETON, BRIAN T

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,280	Applicant(s) LAZZERONI ET AL.	
	Examiner Brian T. Pendleton	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 13-17, 19-21, 24-28, 30-32, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 18, 22, 23, 29, 33, 34 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 10, 14-16, 19-21, 25-27, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishigaki et al, US Patent 4,347,510. Ishigaki discloses an automatic switching device comprising a plurality of audio accessories 11, 12, 13, an audio switching device comprising input section (terminals 21-23), controller (input signal detectors 27-29 and memory circuit 30), switching section (switches 24-26), and output section (pre-amp 15, main amp 16, and speaker 17). The audio accessories are vehicle audio accessories. Claims 1, 14-16, 19, 20, 25-27, 30, and 31 are rejected. As to claims 3, 10, 21, and 32, the audio accessories are “first” and “second” level music sources.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 17, 28, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki et al in view of Adams, US Patent 6,594,366 . Ishigaki does not disclose that one of the audio accessories comprises a microphone. Adams discloses a mobile communications

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device 50 comprising a headset microphone 103, radio input 202, switches S1 and S2, and control processor 208 for switching to the microphone signal in the case of an incoming telephone call. Thus Adams teaches switching between two vehicle accessories, a FM radio and a cellular phone. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ishigaki to include a microphone input for automatic source selection for the purpose of switching audio sources in a vehicle. Regarding claim 6, it would have been obvious to implement the system for a plurality of headset microphones.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki et al in view of DeLine et al. Ishigaki does not disclose that the vehicle audio accessories comprise a radar detection system. DeLine discloses an interior rearview mirror sound processing system comprising a radar detection system which can be incorporated into the audio system. Since it was well known as evidenced by DeLine to have a radar detection system in the audio system of a vehicle, it would have been obvious to include such a system in the automatic selection system of Ishigaki for the purpose of providing a radar detection signals to a driver.

Claims 13, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki et al in view of Eggers. Ishigaki does not disclose signal leveling circuitry for leveling the audio signals with respect to one another. Eggers discloses a leveling circuit in switching circuit 41 for source signals A and B through the use of foreground program volume controller 15 and background program volume controller 16. The advantage of such a circuit was to prioritize the audio signals and make sure the most important audio source is heard over any other audio source, as taught in column 3 lines 17-53. Therefore, it would have been obvious to

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one of ordinary skill in the art at the time of invention to include the leveling circuitry of Eggers in the invention of Ishigaki for the purpose of prioritizing the signals.

Allowable Subject Matter

Claims 11, 12, 18, 22, 23, 29, 33, 34 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. Pendleton
Primary Examiner
Art Unit 2615



btp